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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,)	
Plaintiff,)	
vs.)	Case No.
)	CV 12-55-BLG-RFC
EASTERN MONTANA MINERALS, INC.,)	
and MUSSELSHELL RESOURCES, LLC,)	
Defendants and Counterclaim Plaintiffs,)	<u>PINESDALE LLC'S AND</u>
)	<u>GUNVOR GROUP,</u>
SIGNAL PEAK ENERGY, LLC;)	<u>LTD.'S OPPOSITION TO</u>
FIRSTENERGY CORP.; FIRSTENERGY)	<u>DEFENDANTS'</u>
VENTURES CORP.; FIRSTENERGY)	<u>MOTION TO EXTEND</u>
GENERATION CORP.; GUNVOR GROUP,)	<u>PAGE LIMITS</u>
LTD.; PINESDALE LLC; BOICH)	
COMPANIES, LLC; WMB MARKETING)	
VENTURES LLC; GLOBAL COAL SALES)	
GROUP, LLC; and GLOBAL MINING)	
HOLDING COMPANY, LLC,)	
Counterclaim Defendants.)	

ARGUMENT

Counterclaim Defendants Gunvor Group Ltd. (“Gunvor”) and Pinesdale LLC (“Pinesdale”) respectfully submit this opposition to Counterclaim Plaintiffs Eastern Montana Minerals, Inc.’s and Musselshell Resources, LLC’s (collectively, “EMM’s”) motion for an extension of the Court’s word limit for EMM’s memorandum of law in support of its opposition to Gunvor and Pinesdale’s motions to dismiss the counterclaims, pursuant to Fed. R. Civ. P. 12 (“Rule 12”). In short, EMM’s request would unfairly benefit EMM, while prejudicing Gunvor and Pinesdale. Moreover, EMM’s request will not simplify the Rule 12 briefing for the Court (procedurally or otherwise); rather, it will only further confuse an already confused action.

On June 28, 2012, Counterclaim Defendants Gunvor and Pinesdale filed Rule 12 motions to dismiss the claims brought against them by EMM. Thereafter, on July 12, 2012, EMM filed an *Amended Answer To The Amended Complaint With Counterclaims*, adding an additional Counterclaim Defendant, but otherwise leaving EMM’s substantive allegations against the collective Counterclaim Defendants relatively unchanged. Accordingly, on July 25, 2012, Gunvor and Pinedale filed slightly revised motions to dismiss, and EMM’s opposition papers

are due tomorrow, August 16, 2012. EMM makes this motion on the eve of its expected response.

As a general matter, Gunvor and Pinesdale are willing to extend all reasonable courtesies to EMM with respect to its opposition papers. Moreover, Gunvor and Pinesdale do not seek to burden the Court with unnecessary motion practice. However, Gunvor and Pinesdale must oppose EMM's request to deviate from the Court's rules and effectively double the size of its opposition brief.

First, an "omnibus" opposition brief that speaks to all of the Counterclaim Defendants promises to compound the flaws inherent in its pleadings – namely that EMM's counterclaims paint with an impermissibly broad brush, and fail to allege specific facts sufficient to merit the inclusion of Pinesdale and Gunvor in this matter. Gunvor and Pinesdale have detailed the specific deficiencies with EMM's pleadings *as to Gunvor and Pinesdale*, and expect specific responses to their Rule 12 challenges – not vague, general counter-arguments levied at all the Counterclaim Defendants. Such a response could only further muddy the waters of this action, confuse the Court, and blur the fact that Gunvor and Pinesdale do not belong.

Second, were the Court to permit the extension that EMM seeks, EMM's responsive arguments would not be constrained by the same restrictions that were imposed upon the briefs submitted by Gunvor and Pinesdale (and which similar restrictions will be imposed on any reply briefs to be submitted by Gunvor and Pinesdale). Gunvor and Pinesdale were required to adhere to the Court's rules concerning motion practice in presenting their respective arguments for the dismissal of numerous causes of action and claims for relief, and EMM should not be permitted to avoid doing the same in response to these motions.

To be clear, Gunvor and Pinesdale are not exalting form over substance. Gunvor and Pinesdale recognize that EMM may opt to submit some series of "collective" opposition briefs that number fewer than the total of the Rule 12 motions filed by the Counterclaim Defendants. This is EMM's prerogative. We respectfully submit, however, that whatever opposition is offered by EMM should conform to the Court's rules, and that a dispensation from such rules would be unfair to Gunvor and Pinesdale, and could unduly benefit EMM.

DATED this 15th day of August, 2012.

_____/s/ James H. Goetz_____
GOETZ, GALLIK & BALDWIN, P. C.
Attorney for Counterclaim Defendants
Gunvor Group, Ltd. and Pinesdale LLC

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(d)(2) of the Federal Rules of Civil Procedure, the undersigned certifies that the word count calculated by Microsoft Word is 575 words (including footnotes and excluding the caption, Certificate of Compliance, and Certificate of Service).

DATED this 15th day of August, 2012.

_____/s/ James H. Goetz_____
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CERTIFICATE OF SERVICE

I certify that, on August 15, 2012, a copy of the foregoing document was served on the following persons by the following means:

1- 9 CM/ECF
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_____/s/ James H. Goetz_____
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